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SUBJECT: UNESCO'S 35TH GENERAL CONFERENCE: SOCIAL AND HUMAN  
SCIENCES COMMISSION

¶1. Summary: The October 16-21 meeting of the Social and Human Sciences Commission was the scene of some of the most heated debates at UNESCO's 35th General Conference. The Commission began its work by discussing whether to initiate negotiation of a proposed "Universal Declaration of Ethical Principles in Relation to Climate Change." Several states (e.g., Canada, UK, Brazil, and the U.S.) warned that UNESCO should not preempt work being done in preparation for the upcoming Copenhagen Conference, but small island developing states (with some blatant cheerleading from the Secretariat) were keen to proceed. In the end, the Commission confirmed language agreed at the just-concluded September Executive Board that asked the Director-General to consult with member states and stakeholders and submit at the September 2010 Executive Board "a report on the desirability of preparing a draft declaration of ethical principles in relation to climate change."

¶2. A draft resolution submitted by the Secretariat on activities carried out to celebrate the 60th anniversary of the Universal Declaration of Human Rights also sparked controversy. U.S. efforts to eliminate mentions of rights within UNESCO's competence met pushback. Not all such references were eliminated. The Secretariat which again made little pretense of neutrality succeeded in including language in the resolution adopted that requests the Secretariat to report on implementation of UNESCO's "Strategy on Human Rights and the Integrated Strategy to Combat Racism, Racial Discrimination, Xenophobia, and Related Intolerance" at its September 2010 Executive Board session.

¶3. France's effort to include language in UNESCO's Draft Program and Budget that would have required UNESCO to undertake "initiatives to combat anti-semitism" occasioned the longest and most heated debate. Islamic delegations objected strenuously that such language was unbalanced and did not require UNESCO to combat other forms of intolerance. The effort might, nonetheless, have succeeded if not for an ill-timed intervention by the chair (Lebanon's Salwa Saniora Baassiri) that overturned a private understanding between France and Iran that would have allowed adoption of the language in return for permitting Islamic states to record their concerns for the record. The chair instead dictated language that made no mention of anti-semitism and merely enjoined UNESCO to combat "all forms of racial and/or religious intolerance." France with firm support from Germany and the U.S. strongly protested the chairperson's action.  
End Summary.

Proposed Universal Declaration of Ethical Principles in Relation to Climate Change

¶4. The Secretariat kicked off discussion of the climate change issue by informing Member States that the World Commission on the Ethics of Scientific Knowledge and Technology (COMEST) had recommended at its sixth Ordinary Session (June 16-19, 2009, Kuala Lumpur, Malaysia) that UNESCO should develop an ethical framework of principles in relation to climate change. Assistant Director-General for Social and Human Sciences Pierre San and COMEST Chair Alain Pompidou (France) both strongly advocated immediate action. After an impassioned presentation about the disappearing Carteret Islands off Papua-New Guinea, ADG San outlined four broad areas that a universal declaration might focus on: state responsibilities, access to scientific knowledge,

international solidarity, and dissemination of ethical practices. He also said that most ethical principles are already articulated in international frameworks; the principles just need to be adapted to climate change. San emphasized that UNESCO should claim its "right place in the climate change debate" and ethics is an area where UNESCO has a comparative advantage.

¶5. Several Member States warned that it is premature to decide whether UNESCO should launch an effort to negotiate a declaration on climate change ethics. Canada noted the world is not without ethical principles. The U.K. expressed concern that launching a separate climate change process at UNESCO will undercut Copenhagen and referred to COMEST's efforts as "premature." The U.K. strongly insisted that a decision to go forward with an intergovernmental negotiation cannot be left to the Executive Board alone and all Member States at UNESCO need to be consulted. Brazil commented that this was an "uncalled for initiative," and that Brazil cannot support any instrument on ethical principles. Japan thought consideration of this issue should wait until after COP15." The U.S. noted that climate change is a serious issue, and that ethics will be an important element in what is discussed in Copenhagen. The U.S. also stressed that UNESCO should complement not compete with the Copenhagen process.

¶6. There was strong support for UNESCO action on the ethics of climate change from the Caribbean island nations and from the Scandinavians. Norway intervened in the lengthy debate to note that the Executive Board had considered this issue in September and had reached a careful compromise. Norway in the end persuaded the Commission to adopt the text approved by the Executive Board without change. This ignited a round of applause from the Commission.

¶7. As the chair was announcing that the measure had been adopted,

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the United Kingdom representative protested furiously and declared that the UK must have the Secretariat's assurance that Member States will be consulted before the report is submitted to the Executive Board at its 185th Session. This was agreed upon and included in the final report of the SHS Commission. The original text was adopted without change.

Report of the Director-General on the Activities carried out to celebrate the 60th Anniversary of the Universal Declaration of Human Rights.

¶8. The Report of the Director-General on the Activities carried out to celebrate the 60th anniversary of the Universal Declaration of Human Rights contains a short proposed amendment sponsored by Austria regarding "the facilitation of youth participation," which was widely supported and adopted without opposition. The rest of the text, however, which was drafted by the Secretariat, provoked a lengthy debate, and resulted in the Commission examining the document paragraph by paragraph. The representatives of 17 Member States and one Observer took the floor. Numerous countries proposed amendments, including the U.S.

¶9. The U.S. joined other states in stressing the importance of human rights and endorsed Austria's proposed amendment. The U.S. raised a couple of questions regarding the cost of human rights mainstreaming and which UN normative instrument is referenced in this text. The Netherlands supported the U.S. in regard to questioning the UN normative instrument. The Netherlands also supported Cuba in regard to examining the text paragraph by paragraph. France was in favor the queries put forward by the U.S. and additionally endorsed the proposed amendment by Austria. France also stated that it supports UNESCO's efforts in human rights education.

¶10. Cuba proposed to add language at the end of para 2 that cited the Vienna Convention. This proposal was overridden by Canada's proposed amendment to use the language crafted by the Executive Board. Cuba wanted to add "universality" and "indivisibility" to para 2 and was defeated again by Canada, who proposed to use language approved by the Executive Board. The Commission decided to replace both para 2 and 3 with the Executive Board language provided

by Canada.

¶11. The U.S. suggested deleting "the rights within UNESCO's competence" in para 5. This was accepted without opposition. When the U.S. made the same argument to delete "...in particular those within the UNESCO mandate..." in para 7, a debate erupted. The outgoing UNESCO Board Chairman, Olabiyi Yai (Benin), directed a question to USDEL, asking why the U.S. would want to remove language involving the rights within UNESCO's mandate. USDEL stated there may not be agreement on the rights under the competence of UNESCO. Additionally, USDEL said his delegation believes human rights are within the competency of the Human Rights Council.

¶12. Italy, Peru, and Cuba stated their support for the amendment proposed by the U.S. in para 5, but did not agree with the U.S. proposed amendment in para 7. Italy said that eliminating "within the UNESCO mandate" could imply UNESCO has no human rights authority at all. Italy stated this is now a question of a legal matter and requested the Secretariat's legal advisor. Indonesia, Pakistan, and India were also not in favor amending para 7. India explicitly said they cannot accept the deletion proposed by the U.S.

¶13. On the other hand, St. Lucia and France supported the U.S. amendment in para 7. St. Lucia pointed out that in their opinion the sentence implied that the financial impact has more seriously violated the rights within UNESCO's mandate, as opposed to other rights. France said that using language that refers to only the rights "within the UNESCO mandate" actually waters down the text. Luxembourg echoed France's intervention and added that deleting this language, as the U.S. is proposing, clarifies the text.

¶14. Germany shared the concerns of the U.S. and suggested replacing "in particular" with "including." Grenada endorsed Germany's proposal. The U.S. stated it could accept the proposal made by Germany. India, however, said it cannot accept it and proposed replacing "in particular" with "especially."

¶15. The Chair intervened and proposed replacing "in particular" with "with particular attention to". The Chair's proposed amendment was adopted.

¶16. Regarding operative para 4, the Secretariat proposed moving Austria's proposed amendment "the facilitation of youth participation" to operative para 9. This was accepted by the Commission without opposition.

¶17. Regarding operative para 5, Canada proposed to keep the language consistent with other UNESCO documents and use "research-policy linkages" rather than "policy-oriented research." This was adopted without opposition. Canada also proposed to rephrase the later half of para 5, which was accepted and also

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included India's proposal to move "gender equality and women's rights" to the top of the sentence. The adopted text read "...including on gender equality and women's rights, on the relationship between access to safe drinking water, sanitation and human rights, and on the struggle against poverty, in full conformity with universal human rights standards".

¶18. Also, in regard to operative para 5, the U.S. proposed replacing "universal human rights standards" with "international human rights law." Canada supported this proposed amendment, but most countries objected, such as India, who was most vocal. India stated the U.S. "frequently" tries to replace "standards" with "law" and asked the legal advisor of the Secretariat to clarify the difference between the two. The legal advisor said "standards" is wider in scope and can refer to non-binding instruments. The legal advisor also said "law" refers to binding instruments only and it "is our practice to use law". India called a point of order and asked the Secretariat if international human rights law is better than universal human rights standards, why did the Secretariat include this language in the text? The Chair continued to call on countries and this question was not answered. Indonesia specifically noted their support for "standards" over "law." Italy stated it could accept "law" over "standards," but had a problem

with "international" vs. "universal." Additionally, Italy believed "international" was ambiguous and could also include bilateral instruments. The Chair stated "standards" is of broader scope and gaveled through the original text using the phrase "universal human rights standards." (When the Commission met to approve the Chair's report, the U.S. asked the Chair to include in her report that the U.S. preferred to use the term international human rights law.)

¶19. The document's mention of "right to water" sparked diverging opinions among some countries. India firmly supported the right to water and stated that governments have an "obligation" to their people to uphold this right. Madagascar also supported the language "right to access safe drinking water." Brazil adamantly disagreed and noted that the international community has not come to an agreement on the "right to water." The Netherlands strongly supported Brazil and said it is premature to refer to "right to water." France echoed that there is no point in acknowledging a right that does not exist. The legal advisor of the Secretariat stated it is not up to him to say if the "right to water" is an emerging right or not. The legal advisor noted it is up to the Commission to decide which "rights" are emerging rights.

¶20. Regarding operative para 6, the U.S. suggested that the name of the UN normative instrument be specifically mentioned. India proposed deleting the later half of the sentence which would remove "...and participation in the elaboration of a United Nations normative instrument concerning human rights education". India's proposal was adopted.

¶21. Regarding operative para 8, Cuba felt the language related to "new partners" was unclear, but did not propose an amendment. Cuba did propose, however, adding at the end of the para 8, "avoiding unnecessary duplication," which was not accepted. Cuba later amended its proposal to suggest a full stop after "...Office of the High Commissioner for Human Rights" which would delete "...the United Nations treaty bodies, the Human Rights Council and special procedure mandate holders and to undertake, when necessary, steps to institutionalize such cooperation;" India supported deleting this language and noted that any such cooperation with other UN specialized agencies will require a MOU. Para 8 was adopted with deleted text as proposed.

¶22. Regarding operative para 10, the Netherlands questioned what are UNESCO's "new priorities"? The Secretariat replied the economic crisis and the environmental crisis. The Secretariat also said that research is still being conducted on these issues and have not yet identified the implications of these crises. Canada intervened to say that it cannot approve "new priorities" if we don't know what they are and suggested a full stop after "...Related Intolerance" and start up again with "by taking due account of (deleting: new priorities and challenges in the area of human rights, notably those deriving from the global economic and financial crises, as well as the achievements and) lessons learned from the commemoration of the 60th anniversary of the Universal Declaration, and to present a report thereon to the Executive Board at its 185th session". Germany was also worried about the Secretariat's explanation and fully supported Canada. The U.S. and Peru also supported Canada's proposed amendment, which was adopted.

Revision of the Statutes of the Intergovernmental Committee for Physical Education and Sport (CIGEPS).

¶23. Member states gave a Secretariat proposal to revise the statutes of the Intergovernmental Committee for Physical Education and Sport (CIGEPS) a rough reception. The Secretariat's draft proposed to: (1) increase the number of Member States from 18 to 30, (2) establish an International Expert Committee, (3) revitalize the International Fund for the Development of Physical Education and Sport, and (4) replace references to physical "activities" with

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physical "education." The representatives of 22 Member States took the floor. Cuba, as the Chair of CIGEPS, strongly supported the revisions of the statutes, arguing that these changes were necessary for CIGEPS to operate most effectively and said that this reform would be carried out through the existing budget. It was backed by



Spain, and garnered additional endorsement from Ecuador, Algeria, El Salvador, Columbia, Madagascar, Cote D'Ivoire, and Niger.

¶24. Even with this support the revisions were not adopted. Germany opposed them, stating it was not in a position to accept these revisions without having a discussion about the budgetary implications. Germany's concern was echoed, but articulated in different ways by India, Finland, Norway, Brazil, Canada, Japan, India, Kuwait, Morocco, Pakistan, Grenada, Czech Republic, and Barbados. India pointed out that the Executive Board had not reviewed this item nor had there been an informational meeting on this topic. Brazil said it was open to revising the statutes but felt it just did not have enough information on which to base a decision. In the end, the Commission requested the Director-General to conduct the required studies and consultations and to submit, after consideration by CIGEPS, a report thereon containing, if appropriate, a proposal for revision of the Statutes to the Executive Board at its 185th session.

#### Draft Resolutions Relating to the Draft Program and Budget:

¶25. The Social and Human Sciences Commission also considered several proposed amendments to UNESCO's draft program and budget. It notably agreed to adopt 35 C/DR.6 (Islamic Republic of Iran) which asked UNESCO to strengthen "regional and international cooperation in the field of bioethics . . .," after clarification that the proposal had no budgetary implications. A proposal by the Dominican Republic that asked for UNESCO to promote the philosophical heritage of each region also was adopted. Other proposed amendments offered by Cuba, Colombia, the Dominican Republic, and Egypt were either withdrawn or not retained.

#### Anti-Semitism

¶26. A budget amendment proposed by France, supported by Argentina, and co-sponsored by the Netherlands and Poland caused more controversy than any other measure in the entire General Conference.

These countries proposed to amend UNESCO's strategy and budget to request it to encourage ". . . initiatives to combat anti-Semitism and all other forms of xenophobia, anti-religious and racial intolerance," while working to implement UNESCO's Integrated Strategy to Combat Racism, Discrimination, Xenophobia and Related Intolerance.

¶27. The French expected their proposal would meet opposition and had a careful planned strategy to overcome it. First, they approached like-minded countries like Germany, Netherlands, Czech Republic, Argentina, and the United States and lined them up to speak in favor of the French proposal. Second, they also held very discreet discussions with Iran and obtained agreement that Iran could ventilate its views but would not/not block consensus on the resolution.

¶28. When the time came for debate on the draft resolution, it looked like France's scenario would be followed. The U.S. and others took the floor to support the French text, while Iran, as expected, criticized it. Specifically, the Iranians complained that the language proposed by France does not incorporate all forms of intolerance, such as "islamophobia," and thought France's amendment was "unnecessary." Significantly, Iran did not offer amendments to the French text and did not say it would block consensus. Iran's reservations were supported by Indonesia, Libya, Syria, Egypt, Saudi Arabia, Kuwait, and Cuba. Again, despite the reservations of these countries, no country said that it would block consensus.

¶29. SHS Commission Chairperson Salwa Saniora Baassiri (Lebanon) then destroyed France's careful plan. She suddenly announced that there was no consensus on the French text. She then dictated aloud her own version, which left out anti-Semitism and just referred to combating "all forms of racial and religious intolerance." Pandemonium followed. Turkey supported the Chair's proposed text. India suggested replacing "racial" with "ethnic," which was accepted. Peru thought the reference to all forms of intolerance was better than specifically mentioning any form of intolerance. Germany noted that the Commission now has lost consensus; therefore, Germany proposed using Geneva language, which would have listed "anti-Semitism, Islamophobia, Christianophobia, and all other forms of intolerance." Iran supported listing each phobia. Madagascar

criticized the Chair for her intervention and asked that she permit consensus to stand when it exists. U.S. Ambassador Killion seconded Madagascar and noted how difficult it is to work on contentious issues. Furthermore, he said the Chair's intervention raised doubts as to whether solutions negotiated in good faith would be honored. Ultimately, the language "encouraging initiatives to combat all forms of racial and/or religious intolerance" was adopted.

¶30. Comment: This was not the only time the Chair intervened to

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the detriment of the U.S. (e.g., see para. 18 above). The U.S. and French delegations both felt the Chair was out of line in imposing her personal views rather than waiting for a consensus to emerge and wrote privately to the President of the General Conference, Davidson Hepburn of Bahamas, to complain strongly. End Comment.

¶31. France and Germany also insisted in having a reservation on the text finally adopted be included as a footnote in the written report of the Commission. This also occasioned a lengthy debate with frequent appeals to the legal advisor as to what sort of reservation could be put in the text of the commission's report. Predictably, Iran intervened to say that if one Member States' statements are included, all statements should then be included. Pakistan said this would open up "Pandora's box." Nonetheless, in the end a footnote was added as follows: "France and Germany expressed reservation on this point, which will be included in the final report of the Chair person and the report of the General Conference."

#### Other Objections

¶32. Other countries followed the French lead and asked that their reservations be included in the Chair's oral report. The U.S., for example, in regards to the discussion in Para 18 above, requested that the Chair report that the U.S. believes that the proper terminology is "international human rights law," versus "universal human rights standards". The Chair agreed to include to do so.

¶33. Madagascar mentioned that the rapporteur (Belgium) summarized in the oral report the objection made by Brazil to the right to water. Madagascar asked that the oral report also mention that a number of African states would like to use the language, "right to water."

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